03-30-00

A

Please type a plus sign (+) inside this box → [+]

PTO/SB/05 (12/97)
Approved for use through 09/30/00. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	PHC03.0-008
Total Pages	35
First Named Inventor or Application Identifier	Harry Dugger
Express Mail Label No.	EL 325030616US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. [X] Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)

2. [X] Specification [*Total Pages* 30]
(preferred arrangement set forth below)
- Descriptive title of the Invention
- Cross References to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to Microfiche Appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings *(if filed)*
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

3. [ ] Drawing(s) *(35 USC 113)* [*Total Sheets*]

4. Oath or Declaration [*Total Pages*]
   a. [X] Newly executed (original or copy)
   b. [ ] Copy from a prior application (37 CFR 1.63(d))
   (for continuation/divisional with Box 17 completed)
   [Note Box 5 below]
      i. [ ] DELETION OF INVENTOR(S)
      Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

5. [ ] Incorporation By Reference *(useable if Box 4b is checked)*
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. [ ] Microfiche Computer Program *(Appendix)*

7. Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all necessary)*
   a. [ ] Computer Readable Copy
   b. [ ] Paper Copy (identical to computer copy)
   c. [ ] Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

8. [ ] Assignment Papers (cover sheet & document(s))
9. [ ] 37 CFR 3.73(b) Statement *(when there is an assignee)* [ ] Power of Attorney
10. [ ] English Translation Document *(if applicable)*
11. [ ] Information Disclosure Statement (IDS)/PTO-1449 [ ] Copies of IDS Citations
12. [ ] Preliminary Amendment
13. [X] Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
14. [X] Small Entity Statement(s) [ ] Statement filed in prior application, Status still proper and desired
15. [ ] Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. [ ] Other: .....
.....
.....

17. If a CONTINUING APPLICATION, *check appropriate box and supply the requisite information:*
[ ] Continuation [ ] Divisional [ ] Continuation-in-part (CIP) of prior application No: _____/_____

18. CORRESPONDENCE ADDRESS

[ ] *Customer Number or Bar Code Label* *(Insert Customer No. or Attach bar code label here)* or [X] *Correspondence address below*

NAME	Omri M. Behr, Esq.				
ADDRESS	325 Pierson Avenue				
CITY	Edison	*STATE*	NJ	*ZIP CODE*	08837
COUNTRY	USA	*TELEPHONE*	732-494-5240	*FAX*	732-494-0428

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

JC781 U.S. PTO
03/29/00

PATENT APPLICATION TRANSMITTAL LETTER

ATTORNEY'S DOCKET NO.
PHCO 3.0-008

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Transmitted herewith for filing is the patent application of Harry Dugger

for BUCCAL, POLAR AND NON-POLAR SPRAY OR CAPSULE

Enclosed are:

☐ _____ sheets of drawing. /__/ Claim for small entity /__/ Independent /__/ Small Business /__/ Non-Profit

☐ an assignment of the invention to _____

☐ a certified copy of a _____ application.

☐ associate power of attorney.

CLAIMS AS FILED

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
TOTAL CLAIMS	25 -20 =	5	X $9 / $18	45.00
INDEPENDENT CLAIMS	3 -3 =	--	X $39 / $78	--
BASIC FEE	690.00/$345.00			390.00
			TOTAL FILING FEE	390.00

☐ Please charge my Deposit Account No. _____ in the amount of $ _____
A duplicate copy of this sheet is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment to Deposit Account No. 02-1750 _____. A duplicate copy of this sheet is enclosed. **except final fees

☒ A check in the amount of $ 390.00. to cover the filing fee is enclosed.

29 Mar 99
date

Attorney of Record
Omri M. Behr
Regis. No. 22,940

Telephone (732)494-5240

EXPRESS MAIL DEPOSIT
"Express Mail" mailing label number EL 325030616US
Date of Deposit 29 Mar 00
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231
Omri M. Behr
Reg. No. 22,940

TITLE OF THE INVENTION

BUCCAL, POLAR AND NON-POLAR SPRAY OR CAPSULE

RELATED APPLICATIONS

This application is a continuation in part of applicant PCT application PCT/US97/17899 filed October 1st 1997.

BACKGROUND OF THE INVENTION

It is known that certain biologically active compounds are better absorbed through the oral mucosa than through other routes of administration, such as through the stomach or intestine. However, formulations suitable for such administration by these latter routes present their own problems. For example, the biologically active compound must be compatible with the other components of the composition such as propellants, solvents, etc. Many such formulations have been proposed. For example, U.S.P. 4,689,233, Dvorsky et al., describes a soft gelatin capsule for the administration of the anti-coronary drug nifedipine dissolved in a mixture of polyether alcohols. U.S.P. 4,755,389, Jones et al., describes a hard gelatin chewable capsule containing nifedipine. A chewable gelatin capsule containing a solution or dispersion of a drug is described in U.S.P. 4,935,243, Borkan et al. U.S.P. 4,919,919, Aouda et al, and U.S.P. 5,370,862, Klokkers-Bethke, describe a nitroglycerin spray for administration to the oral mucosa comprising nitroglycerin, ethanol, and other components. An orally administered pump spray is described by Cholcha in U.S.P. 5,186,925. Aerosol compositions containing a hydrocarbon propellant and a drug for administration to a mucosal surface are described in U.K. 2,082,457, Su, U.S.P. 3,155,574, Silson et al., U.S.P. 5,011,678, Wang et al., and by Parnell in U.S.P. 5,128,132. It should be noted that these references discuss bioavailability of solutions by inhalation rather than through the membranes to which they are administered.

SUMMARY OF THE INVENTION

A buccal aerosol spray or soft bite gelatin capsule using a polar or non-polar solvent has now been developed which provides biologically active compounds for rapid absorption through the oral mucosa, resulting in fast onset of effect.

The buccal aerosol spray compositions of the present invention, for transmucosal administration of a pharmacologically active compound soluble in a pharmacologically acceptable non-polar solvent comprise in weight % of total composition: pharmaceutically acceptable propellant 5-80%, non-polar solvent 20-85%, active compound 0.05-50%, suitably additionally comprising, by weight of total composition a flavoring agent 0.01-10%. Preferably the composition comprises: propellant 10-85%, non-polar solvent 25-89.9%, active compound 0.01-40%, flavoring agent 1-8%; most suitably propellant 20-70%, non-polar solvent 30-74.75%, active compound 0.25-35%, flavoring agent 2-7.5%.

The buccal polar aerosol spray compositions of the present invention, for transmucosal administration of a pharmacologically active compound soluble in a pharmacologically acceptable polar solvent are also administrable in aerosol form driven by a propellant. In this case the composition comprise in weight% of total composition: aqueous polar solvent 10-99%, active compound 0.1-25%, suitably additionally comprising, by weight of total composition a flavoring agent 0.05-10% and propellant: 2 - 10%. Preferably the composition comprises: polar solvent 20 - 97%, active compound 0.1-15%, flavoring agent 0.1-5% and propellant: 3 - 5%; most suitably polar solvent 25 - 97%, active compound 0.2-25%, flavoring agent 0.1-2.5% and propellant: 3 - 4%.

The buccal pump spray composition of the present invention for transmucosal administration of a pharmacologically active compound where

said active compound is soluble in a pharmacologically acceptable non-polar solvent said composition comprise in weight % of total composition: non-polar solvent 30-99.69%, active compound 0.005-55%, and suitably additionally, flavoring agent 0.1-10%.

The buccal polar pump spray compositions of the present invention, for transmucosal administration of a pharmacologically active compound soluble in a pharmacologically acceptable polar solvent comprising in weight% of total composition: aqueous polar solvent 30-99.69%, active compound 0.001-60%, suitably additionally comprising, by weight of total composition a flavoring agent 0.1-10%. Preferably the composition comprises: polar solvent 37-98.58%, active compound 0.005-55%, flavoring agent 0.5-8%; most suitably polar solvent 60.9-97.06%, active compound 0.01-40%, flavoring agent 0.75-7.5%.

The soft bite gelatin capsules of the present invention for transmucosal administration of a pharmacologically active compound, at least partially soluble in a pharmacologically acceptable non-polar solvent, having charged thereto a fill composition comprise in weight % of total composition: non-polar solvent 4-99.99%, emulsifier 0-20%, active compound 0.01-80%, provided that said fill composition contains less than 10% of water, suitably additionally comprising, by weight of the composition: flavoring agent 0.01-10%. Preferably, the soft bite gelatin capsule comprises: non-polar solvent 21.5-99.975%, emulsifier 0-15%, active compound 0.025-70%, flavoring agent 1-8%; most suitably: non-polar solvent 28.5-97.9%, emulsifier 0-10%, active compound 0.1-65.0%, flavoring agent 2-6%.

The soft bite polar gelatin capsules of the present invention for transmucosal administration of a pharmacologically active compound, at least partially soluble in a pharmacologically acceptable polar solvent, having charged thereto a composition comprising in weight % of total composition:

polar solvent 25-99.89%, emulsifier 0-20%, active compound 0.01-65%, provided that said composition contains less than 10% of water, suitably additionally comprising, by weight of the composition: flavoring agent 01-10%. Preferably, the soft bite gelatin capsule comprises: polar solvent 37-99.95%, emulsifier 0-15%, active compound 0.025-55%, flavoring agent 1-8%; most suitably: polar solvent 44-96.925%, emulsifier 0-10%, active compound 0.075-50%, flavoring agent 2-6%.

It is an object of the invention to coat the mucosal membranes either with extremely fine droplets of spray containing the active compounds or a solution or paste thereof from bite capsules.

It is also an object of the invention to administer to the oral mucosa of a mammalian in need of same, preferably man, by spray or bite capsule. a predetermined amount of a biologically active compound by this method or from a soft gelatin bite capsule.

A further object is a sealed aerosol spray container containing a composition of the non polar or polar aerosol spray formulation, and a metered valve suitable for releasing from said container a predetermined amount of said composition.

As the propellant evaporates after activation of the aerosol valve, a mist of fine droplets is formed which contains solvent and active compound.

The propellant is a non-Freon material, preferably a C_{3-8} hydrocarbon of a linear or branched configuration. The propellant should be substantially non-aqueous. The propellant produces a pressure in the aerosol container such that under expected normal usage it will produce sufficient pressure to expel the solvent from the container when the valve is activated but not excessive pressure such as to damage the container or valve seals.

The non-polar solvent is a non-polar hydrocarbon, preferably a C_{7-18} hydrocarbon of a linear or branched configuration, fatty acid esters, and triglycerides, such as miglyol. The solvent must dissolve the active compound and be miscible with the propellant, i.e., solvent and propellant must form a single phase at 0-40°C at a pressure range of 1-3 atm.

The polar and non-polar aerosol spray compositions of the invention are intended to be administered from a sealed, pressurized container. Unlike a pump spray, which allows the entry of air into the container after every activation, the aerosol container of the invention is sealed at the time of manufacture. The contents of the container are released by activation of a metered valve, will does not allow entry of atmospheric gasses with each activation. Such containers are commercially available.

A further object is a pump spray container containing a composition of the pump spray formulation, and a metered valve suitable for releasing from said container a predetermined amount of said composition.

A further object is a soft gelatin bite capsule containing a composition of as set forth above. The formulation may be in the form of a viscous solution or paste containing the active compounds. Although solutions are preferred, paste fills may also be used where the active compound is not soluble or only partially soluble in the solvent of choice. Where water is used to form part of the paste composition, it should not exceed 10% thereof. (All percentages herein are by weight unless otherwise indicated.)

The polar or non-polar solvent is chosen such that it is compatible with the gelatin shell and the active compound. The solvent preferably dissolves the active compound. However, other components wherein the active compound is not soluble or only slightly soluble may be used and will form a paste fill.

Soft gelatin capsules are well known in the art. See, for example, U.S.P. 4,935,243, Borkan et al., for its teaching of such capsules. The capsules of the present invention are intended to be bitten into to release the low viscosity solution or paste therein, which will then coat the buccal mucosa with the active compounds. Typical capsules, which are swallowed whole or bitten and then swallowed, deliver the active compounds the stomach, which results in significant lag time before maximum blood levels can be achieved or subject the compound to a large first pass effect. Because of the enhanced absorption of the compounds through the oral mucosa and no chance of a first pass effect, use of the bite capsules of the invention will eliminate much of the lag time, resulting in hastened onset of biological effect. The shell of a soft gelatin capsule of the invention may comprise, for example:

Gelatin: 50-75%, glycerin 20-30%, colorants 0.5-1.5%, water 5-10%, and sorbitol 2-10%.

The active compound may include biologically active peptides, central nervous system active amines, sulfonyl ureas, antibiotics, antifungals, anti-virals, sleep inducers, antiasthmatics, bronchial dilators, antiemetics, histamine H-2 receptor antagonists, barbiturates, prostaglandins and neutraceuticals.

The active compounds may also include antihistamines, alkaloids, hormones, benzodiazepines and narcotic analgesics. While not limited thereto, these active compounds are particularly suitable for non-polar pump spray formulation and application.

BRIEF DESCRIPTION OF THE DRAWING

The figure is a schematic diagram showing routes of absorption and processing of pharmacologically active substances in a mammalian system.

DESCRIPTION OF THE PREFERRED EMBODIMENTS

The preferred active compounds of the present invention are in an ionized, salt form or as the free base of the pharmaceutically acceptable salts thereof (provided, for the aerosol or spray compositions, they are soluble in the spray solvent). These compounds are soluble in the non-polar solvents of the invention at useful concentrations or can be prepared as pastes at useful concentrations. These concentrations may be less than the standard accepted dose for these compounds since there is enhanced absorption of the compounds through the oral mucosa. This aspect of the invention is especially important when there is a large (40-99.99%) First pass effect.

As propellants for the non polar sprays, propane, N-butane, iso-butane, N-pentane, iso-pentane, and neo-pentane, and mixtures thereof may be used. N-butane and iso-butane, as single gases, are the preferred propellants. It is permissible for the propellant to have a water content of no more than 0.2%, typically 0.1-0.2%. (All percentages herein are by weight unless otherwise indicated.) It is also preferable that the propellant be synthetically produced to minimize the presence of contaminants which are harmful to the active compounds. These contaminants include oxidizing agents, reducing agents, Lewis acids or bases, and water. The concentration of each of these should be less than 0.1%, except that water may be as high as 0.2%.

Suitable non-polar solvents for the capsules and the non-polar sprays include (C_2-C_{24}) fatty acid C_2-C_6 esters, C_7-C_{18} hydrocarbon, C_2-C_6 alkanoyl esters, and the triglycerides of the corresponding acids. When the capsule fill is a paste, other liquid components may be used instead of the above low molecular weight solvents. These include soya oil, corn oil, other vegetable oils.

As solvents for the polar capsules or sprays there may be used low molecular weight polyethyleneglycols (PEG) of 400-1000 Mw (preferably 400-600), low molecular weight (C_2-C_8) mono and polyols and alcohols of C_7-C_{18} linear or branch chain hydrocarbons, glycerin may also be present and water may also be used in the sprays, but only in limited amount in the capsules.

It is expected that some glycerin and water used to make the gelatin shell will migrate from the shell to the fill during the curing of the shell. Likewise, there may be some migration of components from the fill to the shell during curing and even throughout the shelf-life of the capsule. Therefore, the values given herein are for the compositions as prepared, it being within the scope of the invention that minor variations will occur.

The preferred flavoring agents are synthetic or natural oil of peppermint, oil of spearmint, citrus oil, fruit flavors, sweeteners (sugars, aspartame, saccharin, etc.), and combinations thereof.

The active substances include the active compounds selected from the group consisting of cyclosporine, sermorelin, Octreotide acetate, calcitonin-salmon, insulin lispro, sumatriptan succinate, clozepine, cyclobenzaprine, dexfenfluramine hydrochloride, glyburide, zidovudine, erythromycin, ciprofloxacin, ondansetron hydrochloride, dimenhydrinate, cimetidine hydrochloride, famotidine, phenytoin sodium, phenytoin, carboprost thromethamine, carboprost, diphenhydramine hydrochloride, isoproterenol hydrochloride, terbutaline sulfate, terbutaline, theophylline, albuterol sulfate and neutraceuticals, that is to say nutrients with pharmacological action such as but not limited to carnitine, valerian, echinacea, and the like.

The formulations of the present invention comprise an active compound or a pharmaceutically acceptable salt thereof. The term "pharmaceutically acceptable salts" refers to salts prepared from

pharmaceutically acceptable non-toxic acids or bases including organic and inorganic acids or bases.

When an active compound of the present invention is acidic, salts may be prepared from pharmaceutically acceptable non-toxic bases. Salts derived from all stable forms of inorganic bases include aluminum, ammonium, calcium, copper, iron, lithium, magnesium, manganese, potassium, sodium, zinc, etc. Particularly preferred are the ammonium, calcium, magnesium, potassium, and sodium salts. Salts derived from pharmaceutically acceptable organic non-toxic bases include salts of primary, secondary, and tertiary amines, substituted amines including naturally occurring substituted amines, cyclic amines and basic ion-exchange resins such as arginine, betaine, caffeine, choline, N,N'-dibenzylethylenediamine, diethylamine, 2-diethylaminoethanol, 2-dimethyl-aminoethanol, ethanolamine, ethylenediamine, N-ethylmorpholine, N-ethyl-piperidine, glucamine, glucosamine, histidine, isopropylamine, lysine, methyl-glucosamine, morpholine, piperazine, piperidine, polyamine resins, procaine, purine, theobromine, triethylamine, trimethylamine, tripropylamine, etc.

When an active compound of the present invention is basic, salts may be prepared from pharmaceutically acceptable non-toxic acids. Such acids include acetic, benzenesulfonic, benzoic, camphorsulfonic, citric, ethane-sulfonic, fumaric, gluconic, glutamic, hydrobromic, hydrochloric, isethionic, lactic, maleic, mandelic, methanesulfonic, mucic, nitric, pamoic, pantothenic, phosphoric, succinic, sulfuric, tartaric, p-toluenesulfonic, etc. Particularly preferred are citric, hydrobromic, maleic, phosphoric, sulfuric, and tartaric acids.

In the discussion of methods of treatment herein, reference to the active compounds is meant to also include the pharmaceutically acceptable salts thereof. While certain formulations are set forth herein, the actual

amounts to be administered to the mammal or man in need of same are to be determined by the treating physician.

The invention is further defined by reference to the following examples, which are intended to be illustrative and not limiting.

The following are examples of each class (all values unless otherwise specified are in weight percent):

EXAMPLE 1

Biologically active peptides including peptide hormones

A. Cyclosporine lingual spray

	Amounts	preferred amount	most preferred amount
Cyclosporine	5-50	10-35	15-25
water	5-20	7.5-50	9.5-12
ethanol	5-60	7.5-50	10-20
polyethylene glycol	20-60	30-45	35-40
flavors	0.1-5	1-4	2-3

B. Cyclosporine Non-Polar lingual spray

	Amounts	preferred amount	most preferred amount
Cyclosporine	1-50	3-40	5-30
Migyloi	20	25	30-40
Polyoxyethyl-ated castor oil	20	25	30-40
Butane	25-80	30-70	33-50
flavors	0.1-5	1-4	2-3

C. **Cyclosporine non-polar bite capsule**

	Amounts	preferred amount	most preferred amount
Cyclosporine	1-35	5-25	10-20
olive oil	25-60	35-55	30-45
polyoxyethyl-ated oleic glycerides	25-60	35-55	30-45
flavors	0.1-5	1-4	2-3

D. **Cyclosporine bite capsule**

	Amounts	preferred amount	most preferred amount
Cyclosporine	5-50	10-35	15-25
polyethylene glycol	20-60	30-45	35-40
glycerin	5-30	7.5-25	10-20
propylene glycol	5-30	7.5-25	10-20
flavors	0.1-10	1-8	3-6

E. **Sermorelin (as the acetate) lingual spray**

	Amounts	preferred amount	most preferred
sermorelin (as the acetate)	.01-5	.1-3	.2-1.0
mannitol,	1-25	5-20	10-15
monobasic sodium phosphate,	0.1-5	1-3	1.5-2.5
dibasic sodium phosphate water	0.01-5	.05-3	0.1-0.5
ethanol	5-30	7.5-25	9.5-15
polyethylene glycol	20-60	30-45	35-40
propylene glycol	5-25	10-20	12-17
flavors	0.1-5	1-4	2-3

F. Octreotide acetate (Sandostatin®) lingual spray

	Amounts	preferred amount	most preferred amount
octreotide acetate	0.001-0.5	0.005-0.250	0.01-0.10
acetic acid	1-10	2-8	4-6
sodium acetate	1-10	2-8	4-6
sodium chloride	3-30	5-25	15-20
flavors	0.1-5	0.5-.4	2-3
ethanol	5-30	7.5-20	9.5-15
water	15-95	35-90	65-85
flavors	0.1-5	1-4	2-3

G. Calcitonin-salmon lingual spray

	Amounts	preferred amount	most preferred amount
Calcitonin-salmon	0.001-5	0.005-2	01-1.5
ethanol	2-15	3-10	7-9.5
water	30-95	50-90	60-80
polyethylene glycol	2-15	3-10	7-9.5
sodium chloride	2.5-20	5-15	10-12.5
flavors	0.1-5	1-4	2-3

H. insulin lispro, lingual spray

	Amounts	preferred amount	most preferred amount
insulin,	20-60	4-55	5-50
glycerin,	0.1-10	0.25-5	0.1-1.5
dibasic sodium phosphate,	1-15	2.5-10	4-8
m-cresol,	1-25	5-25	7.5-12.5
zinc oxide	0.01-0.25	.05-0.15	0.075-0.10
m-cresol,	0.1-1	0.2-0.8	0.4-0.6
phenol	trace amounts	trace amounts	trace amounts
ethanol	5-20	7.5-15	9-12
water	30-90	40-80	50-75
propylene glycol	5-20	7.5-15	9-12
flavors	0.1-5	0.5-3	0.75-2

adjust pH to 7.0-7.8 with HCl or NaOH

EXAMPLE 2

CNS active amines and their salts: including but not limited to tricyclic amines, GABA analogues, thiazides, phenothiazine derivatives, Serotonin antagonists and serotonin reuptake inhibitors

A. Sumatriptan succinate lingual spray

	Amounts	preferred amount	most preferred amount
sumatriptan succinate	0.5-30	1-20	10-15
ethanol	5-60	7.5-50	10-20
propylene glycol	5-30	7.5-20	10-15
polyethylene glycol	0-60	30-45	35-40
water	5-30	7.5-20	10-15
flavors	0.1-5	1-4	2-3

B. Sumatriptan succinate bite capsule

	Amounts	preferred amount	most preferred amount
sumatriptan succinate	0.01-5	0.05-3.5	0.075-1.75
polyethylene glycol	25-70	30-60	35-50
glycerin	25-70	30-60	35-50
flavors	0.1-10	1-8	3-6

C. Clozepine lingual spray

	Amounts	preferred amount	most preferred amount
Clozepine	0.5-30	1-20	10-15
ethanol	5-60	7.5-50	10-20
propylene glycol	5-30	7.5-20	10-15
polyethylene glycol	0-60	30-45	35-40
water	5-30	7.5-20	10-15
flavors	0.1-5	1-4	2-3

D. Clozepine Non-Polar lingual spray with propellant

	Amounts	preferred amount	most preferred amount
Clozepine	0.5-30	1-20	10-15
Migylol	20-85	25-70	30-40
Butane	15-80	30-75	60-70
flavors	0.1-5	1-4	2-3

E. Clozepine Non-Polar lingual spray without propellant

	Amounts	preferred amount	most preferred amount
Clozepine	0.5-30	1-20	10-15
Migylol	70-99.5	80-99	85-90
flavors	0.1-5	1-4	2-3

F. Cyclobenzaprine Non polar lingual spray

	Amounts	preferred amount	most preferred amount
Cyclobenzaprine (base)	0.5-30	1-20	10-15
Migylol	20-85	25-70	30-40
Iso-butane	15-80	30-75	60-70
flavors	0.1-5	1-4	2-3

G. dexfenfluramine hydrochloride lingual spray

	Amounts	preferred amount	most preferred amount
dexfenfluramine Hcl	5-30	7.5-20	10-15
ethanol	5-60	7.5-50	10-20
propylene glycol	5-30	7.5-20	10-15
polyethylene glycol	0-60	30-45	35-40
water	5-30	7.5-20	10-15
flavors	0.1-5	1-4	2-3

EXAMPLE 3

Sulfonylureas

A. Glyburide lingual spray

	Amounts	preferred amount	most preferred amount
Glyburide	0.25-25	0.5-20	0.75-15
ethanol	5-60	7.5-50	10-20
propylene glycol	5-30	7.5-20	10-15
polyethylene glycol	0-60	30-45	35-40
water	2.5-30	5-20	6-15
flavors	0.1-5	1-4	2-3

B. Glyburide non-polar bite capsule

	Amounts	preferred amount	most preferred amount
Glyburide	0.01-10	0.025-7.5	0.1-4
olive oil	30-60	35-55	30-50
polyoxyethyl-ated oleic glycerides	30-60	35-55	30-50
flavors	0.1-5	1-4	2-3

EXAMPLE 4

Antibiotics anti-fungals and anti-virals

A. zidovudine [formerly called azidothymidine (AZT) (Retrovir) non-polar lingual spray

	Amounts	preferred amount	most preferred amount
zidovudine	10-50	15-40	25-35
Soya oil	20-85	25-70	30-40
Butane	15-80	30-75	60-70
flavors	0.1-5	1-4	2-3

B. Erythromycin bite capsule bite capsule

	Amounts	preferred amount	most preferred amount
Erythromycin	25-65	30-50	35-45
polyoxyethylene glycol	5-70	30-60	45-55
glycerin	5-20	7.5-15	10-12.5
flavors	1-10	2-8	3-6

C. Ciprofloxacin hydrochloride bite capsule

	Amounts	preferred amount	most preferred amount
Ciprofloxacin hydrochloride	25-65	35-55	40-50
glycerin	5-20	7.5-15	10-12.5
polyethylene glycol	20-75	30-65	40-60
flavors	1-10	2-8	3-6

D. zidovudine [formerly called azidothymidine (AZT) (Retrovir) lingual spray

	Amounts	preferred amount	most preferred amount
zidovudine	10-50	15-40	25-35
water	30-80	40-75	45-70
ethanol	5-20	7.5-15	9.5-12.5
polyethylene glycol	5-20	7.5-15	9.5-12.5
flavors	0.1-5	1-4	2-3

EXAMPLE 5

Anti-emetics

A. Ondansetron hydrochloride lingual spray

	Amounts	preferred amount	most preferred amount
ondansetron hydrochloride	1-25	2-20	2.5-15
citric acid monohydrate,	1-10	2-8	2.5-5
sodium citrate dihydrate	0.5-5	1-4	1.25-2.5
water	1-90	5-85	10-75
ethanol	5-30	7.5-20	9.5-15
propylene glycol	5-30	7.5-20	9.5-15
polyethylene glycol	5-30	7.5-20	9.5-15
flavors	1-10	3-8	5-7.5

B. Dimenhydrinate bite capsule

	Amounts	preferred amount	most preferred amount
Dimenhydrinate	0.5-30	2-25	3-15
glycerin	5-20	7.5-15	10-12.5
polyethylene glycol	45-95	50-90	55-85
flavors	1-10	2-8	3-6

C. Dimenhydrinate polar lingual spray

	Amounts	preferred amount	most preferred amount
Dimenhydrinate	3-50	4-40	5-35
water	5-90	10-80	15-75
ethanol	1-80	3-50	5-10
polyethylene glycol	1-80	3-50	5-15
Sorbitol	0.1-5	0.2-4	0.4-1.0
aspartame	0.01-0.5	0.02-0.4	0.04-0.1
flavors	0.1-5	1-4	2-3

EXAMPLE 6

Histamine H-2 receptor antagonists

A. Cimetidine hydrochloride bite capsule

	Amounts	preferred amount	most preferred amount
Cimetidine Hcl	10-60	15-55	25-50
glycerin	5-20	7.5-15	10-12.5
polyethylene glycol	20-90	25-85	30-75
flavors	1-10	2-8	3-6

B. Famotidine lingual spray

	Amounts	preferred amount	most preferred amount
Famotidine	1-35	5-30	7-20
water	2.5-25	3-20	5-10
L-aspartic acid	0.1-20	1-15	5-10
polyethylene glycol	20-97	30-95	50-85
flavors	0.1-10	1-7.5	2-5

C. Famotidine non-polar lingual spray

	Amounts	preferred amount	most preferred amount
Famotidine	1-35	5-30	7-20
Soya oil	10-50	15-40	15-20
Butane	15-80	30-75	45-70
polyoxyethyl-ated oleic glycerides	10-50	15-40	15-20
flavors	0.1-5	1-4	2-3

EXAMPLE 7

Barbiturates

A. Phenytoin sodium lingual spray

	Amounts	preferred amount	most preferred amount
Phenytoin sodium	10-60	15-55	20-40
water	2.5-25	3-20	5-10
ethanol	5-30	7.5-20	9.5-15
propylene glycol	5-30	7.5-20	9.5-15
polyethylene glycol	5-30	7.5-20	9.5-15
flavors	1-10	3-8	5-7.5

B. Phenytoin non-polar lingual spray

	Amounts	preferred amount	most preferred amount
Phenytoin	5-45	10-40	15-35
migylol	10-50	15-40	15-20
Butane	15-80	30-75	60-70
polyoxyethyl-ated oleic glycerides	10-50	15-40	15-20
flavors	0.1-10	1-8	5-7.5

EXAMPLE 8

Prostaglandins

A. <u>Carboprost thromethamine</u> lingual spray

	Amounts	preferred amount	most preferred amount
Carboprost thromethamine	0.05-5	0.1-3	0.25-2.5
water	50-95	60-80	65-75
ethanol	5-20	7.5-15	9.5-12.5
polyethylene glycol	5-20	7.5-15	9.5-12.5
sodium chloride	1-20	3-15	4-8
flavors	0.1-5	1-4	2-3

pH is adjusted with sodium hydroxide and/or hydrochloric acid

B. <u>Carboprost</u> non-polar lingual spray

	Amounts	preferred amount	most preferred amount
Carboprost	0.05-5	0.1-3	0.25-2.5
migylol	25-50	30-45	35-40
Butane	5-60	10-50	20-35
polyoxyethyl-ated oleic glycerides	25-50	30-45	35-40
flavors	0.1-10	1-8	5-7.5

EXAMPLE 9

Neutraceuticals

A. <u>Carnitine</u> as bite capsule (contents are a paste)

	Amounts	preferred amount	most preferred amount
Carnitine fumarate	6-80	30-70	45-65
soya oil	7.5-50	10-40	12.5-35
soya lecithin	0.001-1.0	0.005-0.5	.01-0.1
Soya fats	7.5-50	10-40	12.5-35
flavors	1-10	2-8	3-6

B. Valerian as lingual spray

	Amounts	preferred amount	most preferred amount
Valerian extract	0.1-10	0.2-7	0.25-5
water	50-95	60-80	65-75
ethanol	5-20	7.5-15	9.5-12.5
polyethylene glycol	5-20	7.5-15	9.5-12.5
flavors	1-10	2-8	3-6

B. Echinacea as bite capsule

	Amounts	preferred amount	most preferred amount
Echinacea extract	30-85	40-75	45-55
soya oil	7.5-50	10-40	12.5-35
soya lecithin	0.001-1.0	0.005-0.5	.01-0.1
Soya fats	7.5-50	10-40	12.5-35
flavors	1-10	2-8	3-6

B. Mixtures of ingredients

	Amounts	preferred amount	most preferred amount
Magnesium oxide	15-40	20-35	25-30
Chromium picolinate	0.01-1.0	0.02-0.5	.025-0.75
folic acid	.025-3.0	0.05-2.0	0.25-0.5
vitamin B-12	0.01-1.0	0.02-0.5	.025-0.75
vitamin E	15-40	20-35	25-30
Soya oil	10-40	12.5-35	15-20
soya lecithin	0.1-5	0.2-4	0.5-1.5
soya fat	10-40	15-35	17.5-20

EXAMPLE 10

Sleep Inducers (also CNS active amine)

A. <u>Diphenhydramine hydrochloride</u> lingual spray

	Amounts	preferred amount	most preferred amount
Diphenhydramine Hcl	3-50	4-40	5-35
water	5-90	10-80	50-75
ethanol	1-80	3-50	5-10
polyethylene glycol	1-80	3-50	5-15
Sorbitol	0.1-5	0.2-4	0.4-1.0
aspartame	0.01-0.5	0.02-0.4	0.04-0.1
flavors	0.1-5	1-4	2-3

EXAMPLE 11

Anti-Asthmatics-Bronchodilators

A. <u>Isoproterenol Hydrochloride</u> as polar lingual spray

	Amounts	preferred amount	most preferred amount
Isoproterenol Hydrochloride	0.1-10	0.2-7.5	0.5-6
water	5-90	10-80	50-75
ethanol	1-80	3-50	5-10
polyethylene glycol	1-80	3-50	5-15
Sorbitol	0.1-5	0.2-4	0.4-1.0
aspartame	0.01-0.5	0.02-0.4	0.04-0.1
flavors	0.1-5	1-4	2-3

B. Terbutaline sulfate as polar lingual spray

	Amounts	preferred amount	most preferred amount
Terbutaline sulfate	0.1-10	0.2-7.5	0.5-6
water	5-90	10-80	50-75
ethanol	1-10	2-8	2.5-5
Sorbitol	0.1-5	0.2-4	0.4-1.0
aspartame	0.01-0.5	0.02-0.4	0.04-0.1
flavors	0.1-5	1-4	2-3

C. Terbutaline as non-polar lingual spray

	Amounts	preferred amount	most preferred amount
Terbutaline	0.1-10	0.2-7.5	0.5-6
migylol	25-50	30-45	35-40
isobutane	5-60	10-50	20-35
polyoxyethylated oleic glycerides	25-50	30-45	35-40
flavors	0.1-10	1-8	5-7.5

D. Theophylline polar bite capsule

	Amounts	preferred amount	most preferred amount
Theophylline	5-50	10-40	15-30
polyethylene glycol	20-60	25-50	30-40
glycerin	25-50	35-45	30-40
propylene glycol	25-50	35-45	30-40
flavors	0.1-5	1-4	2-3

E. Albuterol sulfate as polar lingual spray

	Amounts	preferred amount	most preferred amount
Albuterol sulfate	0.1-10	0.2-7.5	0.5-6
water	5-90	10-80	50-75
ethanol	1-10	2-8	2.5-5
Sorbitol	0.1-5	0.2-4	0.4-1.0
aspartame	0.01-0.5	0.02-0.4	0.04-0.1
flavors	0.1-5	1-4	2-3

Example 12

Polar solvent formulations using a propellant:

A. Sulfonylurea

	Amount	Preferred Amount	Most-Preferred Amount
Glyburide	0.1-25%	0.5-15%	0.6-10%
Ethanol	40-99%	60-97%	70-97%
Water	0.01-5%	0.1-4%	0.2-2%
Flavors	0.05-10%	0.1-5%	0.1-2.5%
Propellant	2-10%	3-5%	3-4%

B. Prostaglandin E_1 (vasodilator)

	Amount	Preferred Amount	Most-Preferred Amount
Prostaglandin E_1	0.01-10%	0.1-5%	0.2-3%
Ethanol	10-90%	20-75%	25-50%
Propylene glycol	1-90%	5-80%	10-75%
Water	0.01-5%	0.1-4%	0.2-2%
Flavors	0.05-10%	0.1-5%	0.1-2.5%
Propellant	2-10%	3-5%	3-4%

C. Promethazine (antiemetic, sleep inducer, and CNS active amine)

	Amount	Preferred Amount	Most-Preferred Amount
Promethazine	1-25%	3-15%	5-12%
Ethanol	10-90%	20-75%	25-50%
Propylene glycol	1-90%	5-80%	10-75%
Water	0.01-5%	0.1-4%	0.2-2%
Flavors	0.05-10%	0.1-5%	0.1-2.5%
Propellant	2-10%	3-5%	3-4%

D. Meclizine

	Amount	Preferred Amount	Most-Preferred Amount
Meclizine	1-25%	3-15%	5-12%
Ethanol	1-15%	2-10%	3-6
Propylene glycol	20-98%	5-90%	10-85%
Water	0.01-5%	0.1-4%	0.2-2%
Flavors	0.05-10%	0.1-5%	0.1-2.5%
Propellant	2-10%	3-5%	3-4%

WHAT IS CLAIMED IS:

1. A buccal spray composition for transmucosal administration of a pharmacologically active compound

provided that where the said active compound is soluble in a pharmacologically acceptable polar solvent said composition comprises in weight % of total composition: aqueous polar solvent 30-99.69%, active compound 0.001-60%,

where said composition additionally comprises a propellant said composition comprises in total weight % of total composition: a propellant selected from the group consisting of C_{3-8} hydrocarbon of a linear or branched configuration :2 - 10%, aqueous polar solvent 10-99%, and active compound 0.1-25%,

where said active compound is soluble in a pharmacologically acceptable non-polar solvent said composition comprises in weight % of total composition: non-polar solvent 30-99.69%, active compound 0.005-55%, and

where said composition additionally comprises a pharmaceutically acceptable propellant said composition comprises in weight % of total composition: a propellant selected from the group consisting of C_{3-8} hydrocarbon of a linear or branched configuration 5-80%, non-polar solvent 20-85%, active compound 0.05-50%,

wherein the active compound is selected from the group consisting of biologically active peptides, central nervous system active amines, sulfonyl ureas, antibiotics, antifungals, antivirals, sleep inducers, antiasthmatics, antiemetics, histamine H-2 receptor antagonists, barbiturates, prostoglandins, bronchial dilators selected from the group consisting of terbutaline, and theophylline.

2. The composition of claim 1 additionally comprising, by weight of total composition: flavoring agent 0.1-10%.

3. The composition of claim 1 comprising: polar solvent 37-98.58%, active compound 0.0005-55%, flavoring agent 0.5-8%.

4. The composition of claim 1 comprising: polar solvent 60.9-97.06%, active compound 0.01-40%, flavoring agent 0.75-7.5%.

5. The composition of Claim 1 wherein the polar solvent is selected from the group consisting of low molecular weight polyethylene-glycols (PEG) of 400-1000 MW, C_2-C_8 mono- and poly-alcohols, and alcohols of C_7-C_{18} hydrocarbons of a linear or branched configuration.

6. The composition of Claim 1 wherein the solvent is aqueous polyethylene glycol.

7. The composition of Claim 1 wherein the solvent comprises aqueous ethanol.

8. The composition of Claim 1 wherein the active compound is selected from the group consisting of cyclosporin, clozapine, zidevudine, erythromycin, odansetron, cimetidine, phenytoin, carboprost thromethamine, and valerian in their nonionized form or as the pharmaceutically acceptable salts thereof.

9. The composition of Claim 2 wherein the flavoring agents are selected from the group consisting of synthetic or natural oil of peppermint, oil of spearmint, citrus oil, fruit flavors, sweeteners and combinations thereof.

10. The composition of Claim 2 of the formulation: polar solvent 75-85%, cyclosporin 15-25%, flavoring agent 0.1-5%.

11. The composition of Claim 2 .of the formulation: polar solvent 19-90%, odansitron hydrochloride 2.5-15%, flavoring agent 1-10%.

12. A method of administering a pharmacologically active compound to a mammal in needed of same, by spraying the oral mucosa of said mammal with a composition of claim 1.

13. The method of claim 12 wherein the amount of spray administered is predetermined.

14. The composition of claim 1 comprising: propellant 5-80%, non-polar solvent 25-85%, active compound 0.1-40%, flavoring agent 1-8%.

15. The composition of claim 1 comprising: propellant 20-70%, non-polar solvent 30-74.75%, active compound 0.25-35%, flavoring agent 2-7.5%.

16. The composition of Claim 1 wherein the propellant is propane, N-butane, iso-butane, N-pentane, iso-pentane, or neo-pentane, and mixtures thereof.

17. The composition of Claim 1 wherein the propellant is n-butane or iso-butane and has a water content of no more than 0.2% and oxidizing agents, reducing agents, and Lewis acids or bases content in a concentration of less than 0.1%.

18. The composition of Claim 1 wherein the solvent is a selected from the group consisting of (C_2-C_{24}) fatty acid (C_2-C_6) esters, C_7-C_{18} hydro-carbons of a linear or branched configuration, and C_2-C_6 alkanoyl esters, and triglycerides of the corresponding acids.

19. The composition of Claim 1 wherein the solvent is miglyol.

20. The composition of Claim 1 of the formulation: propellant 15-80%, non-polar solvent 20-85%, clozepine 0.5-30%, flavoring agent 1-5%.

21. The composition of Claim 1 of the formulation: propellant 15-80%, non-polar solvent 20-85%, zidovudine 25-35%, flavoring agent 0.1-5%.

22. The composition of Claim 1 of the formulation: propellant 5-60%, non-polar solvent 15-98.5%, carboprost 0.05-5%, flavoring agent 0.1-10%.

23. The composition of Claim 1 of the formulation: propellant 5-60%, non-polar solvent 50-94.8%, terbutaline 0.5-6%, flavoring agent 0.01-10%.

24. A buccal pump spray composition for transmucosal administration of a pharmacologically active compound where said active compound is soluble in a pharmacologically acceptable non-polar solvent said composition comprises in weight % of total composition: non-polar solvent 30-99.69%, active compound 0.005-55%, flavoring agent 0.1-10%,

wherein the active compound is selected from the group consisting of biologically active peptides, central nervous system active amines, sulfonyl ureas, antibiotics, antifungals, antivirals, sleep inducers, bronchial dilators, antiasthmatics, antiemetics, histamine H-2 receptor antagonists, barbiturates, and prostoglandins.

25. A buccal pump spray composition for transmucosal administration of a pharmacologically active compound where said active compound is soluble in a pharmacologically acceptable non-polar solvent said composition comprises in weight % of total composition: non-polar solvent 30-99.69%, active compound 0.005-55%, flavoring agent 0.1-10%,

wherein the active compound is selected from the group consisting of antihistamines, alkaloids, hormones, benzodiazepines and narcotic analgesics.

ABSTRACT OF THE DISCLOSURE

Buccal aerosol sprays or capsule using polar and non-polar solvent have now been developed which provide biologically active compounds for rapid absorption through the oral mucosa, resulting in fast onset of effect. The buccal polar compositions of the invention comprises formulation I: aqueous polar solvent 30-99.89%, active compound 0.001-60%, optionally containing flavoring agent 0.1-10%. Propellant 2-10% .The non polar composition of the invention comprises formulation II: non-polar solvent 20-85%, active compound 0.005-50%, and optionally flavoring agent 0.1-10% and propellant 50-80%.

Phco8b.spc

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

BUCCAL, POLAR AND NON-POLAR SPRAY OR CAPSULE

the specification of which

(check one)

☒ is attached hereto.

☐ was filed on _____ as

Application Serial No. _____

and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
PCT/US97/17899 (Number)	EPO (Country)	01 October 1997 (Day/Month/Year Filed)	☒ Yes	☐ No
(Number)	(Country)	(Day/Month/Year Filed)	☐ Yes	☐ No
(Number)	(Country)	(Day/Month/Year Filed)	☐ Yes	☐ No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (*list name and registration number*)

Omri M. Behr, Esq.
Regis. No. 22,940

Send Correspondence to:

Omri M. Behr, Esq., 325 Pierson Avenue, Edison, New Jersey 08837

Direct Telephone Calls to: (*name and telephone number*)
Omri M. Behr, Esq., 732-494-5240

Full name of sole or first inventor	Harry A. Digger, III
Inventor's signature	Date 3/28/00
Residence	Flemington, New Jersey 08822
Citizenship	USA
Post Office Address	548 Sargentville Road, Flemington, New Jersey 08822
Full name of second joint inventor, if any	
Second inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

(Supply similar information and signature for third and subsequent joint inventors.)

Applicant or Patentee: Flemington Pharmaceutical Corp.
Serial or Patent No.:
Filed or Issued:
Title: BUCCAL, POLAR AND NON-POLAR SPRAY OR CAPSULE

Attorney's Docket No.: PHCO 3.0-008

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN

I hereby declare that I am

☐ the owner of the small business concern identified below:
☐ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN FLEMINGTON PHARMACEUTICAL CORPORATION
ADDRESS OF SMALL BUSINESS CONCERN 43 Emery Avenue
Flemington, New Jersey 08822

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled BUCCAL, POLAR AND NON-POLAR SPRAY OR CAPSULE by inventor(s) described in

☐ the specification filed herewith
☐ application serial no. _____, filed _____
☐ patent no. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME FLEMINGTON PHARMACEUTICAL CORPORATION
ADDRESS 43 Emery Avenue, Flemington, New Jersey 08822
☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME
ADDRESS
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Harry A. Dugger, III
TITLE OF PERSON IF OTHER THAN OWNER
ADDRESS OF PERSON SIGNING 549 Sargentsville, Road,
Flemington New Jersey 08822

SIGNATURE Harry A. Dugger DATE March 28, 2000